

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE A2P SMS
ANTITRUST LITIGATION

This Document Relates to:

ALL ACTIONS

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NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Plaintiffs TextPower, Inc., iSpeedbuy LLC, Shahriyar Neman, and David Hobeich, by their attorneys, and, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismiss their claims against all remaining defendants *with prejudice*, stating:

1. Plaintiffs, seeking to act on behalf of a putative class of similarly-situated persons, filed the above-captioned action against (1) OpenMarket Inc., SoundBite Communications, Inc., 2ergo Americas, Inc., Mblox, Inc., 3Cinteractive Corp., Vibes Media, LLC, Syniverse Technologies, LLC, Ericsson, Inc., Air2Web Inc. (“Air2Web”) and Sybase Inc. (collectively, the “Aggregator Defendants”), (2) AT&T Mobility LLC, Cellco Partnership D/B/A Verizon Wireless, Sprint Corporation (formerly Sprint Nextel Corporation), T-Mobile USA, Inc., and U.S. Cellular Corporation (collectively “the Carrier Defendants”), (3) CTIA-The Wireless Association (“CTIA”), and (4) WMC Global, Inc. (“WMC”), asserting various antitrust violations and other claims related to the Common Short Code system for the transmission of A2P SMS messages.

2. The Carrier Defendants subsequently invoked the arbitration provisions of the Plaintiffs' agreements with NeuStar, Inc. ("Neustar") covering their use of the Common Short Code System, which resulted in an abatement of this action and a referral of plaintiffs' claims against the Carrier Defendants to an arbitration before the American Arbitration Association ("AAA") in Arbitration No. 16 20 1400 0061 (the "Arbitration"). The panel in the Arbitration determined that plaintiffs could not pursue class arbitration under the terms of the operative arbitration agreement. The Arbitration subsequently proceeded solely on an individual basis, was amicably resolved on that basis, and has been dismissed by stipulation.

3. Plaintiffs have not filed a motion seeking certification of a class in this action.

4. Plaintiffs previously filed a motion to lift the automatic bankruptcy stay and dismiss their claims as against Air2Web (which was insolvent and whose corporate parent had sought protection under the Bankruptcy Code), which was granted by the Court on March 23, 2015. The action remains pending, but stayed, as to the remaining named Defendants.

5. No Defendant has filed an answer or a motion for summary judgment in this action.

Dated: April 28, 2016

Respectfully submitted,

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